

THE LAW OFFICE OF

ELISA HYMAN, P.C.

January 14, 2022

BY ECF

Hon. John G. Koeltl
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

A CONFERENCE WILL BE HELD ON TUESDAY,
FEBRUARY 1, 2022, AT 2:30PM.
DIAL-IN: (888) 363-4749. ACCESS CODE: 8140049.

SO ORDERED

1/19/22 
✓ 5 0 J

Re: *M.R. et al., v. New York City Department of Education, et al.*,
1:20-cv-09631 (JGK)

Dear Judge Koeltl:

I represent the Plaintiffs in the above-referenced action. I am writing jointly with Defendants' counsel concerning the Rule 26(f) plan due today pursuant to Your Honor's Order. *See* ECF No. 37.¹

Unfortunately, the parties were unable to finish negotiating a joint proposed Rule 26(f) plan. As the parties were communicating about a proposed Rule 26(f) plan, we discovered that we have a dispute about whether the Court should allow formal discovery in this case.

As the parties are unable to resolve their dispute, the parties request an extension of time to submit the rest of the Rule 26(f) plan until after the dispute is resolved.

As such, the parties propose that we submit this dispute to the Court² as follows: By January 31, 2022, Plaintiffs will submit a letter to the Court of no more than five pages outlining their position concerning whether Plaintiffs should be permitted to seek discovery and their proposed discovery schedule. Within two weeks thereafter, Defendant will submit a response of no more than five pages to the Court. Plaintiffs will seek leave of Court if they determine a reply is necessary.

¹ Although this is a joint letter, there are aspects of this letter that are not joined in by the other party. We have designated these parts of the letter by noting either "it is the Plaintiffs' position" or "Plaintiffs' assert" or similar points designating that "it is the Defendants' position" or "Defendants' assert." By including these individual positions in this letter, neither party is waiving the right to object to the other parties' representations.

Settlement

The parties are interested in exploring settlement in the hope that Plaintiffs' claims can be resolved without additional litigation. In furtherance of settlement, Plaintiffs have requested that Defendants agree to produce a service accounting of special education and related services both provided and funded by Defendants since September 2016 and onward. Defendants' counsel has agreed to look into whether this accounting is available and can be provided.

Thank you for Your Honor's consideration of this requests herein.

Respectfully,

/s/ Elisa Hyman

Elisa Hyman
Counsel for the Plaintiffs

cc: Copatrick Thomas, Esq.